

REMARKS

Claims 2, 14, 18 and 24 have been amended, and Claims 26-29 have been added. Claims 1-29 are present in the application. Reconsideration of the application, as amended, is respectfully requested.

Logical Order of Claims

The claims are presented above in ascending numerical order, as required by the recent amendments to 37 C.F.R. §1.121(c)(1). As a courtesy to the Examiner, Applicants respectfully point out that the logical order of the claims is as follows: Claims 1, 26-27, 2-18, 28-29 and 19-25.

Information Disclosure Statement filed on May 22, 2003

The Office Action was accompanied by initialed copies of several Forms PTO-1449 from each of several previously-filed Information Disclosure Statements. However, the Office Action was not accompanied by a copy of the Form PTO-1449 from the Fourth Information Disclosure Statement filed on May 28, 2003. It is noted that the pending Office Action issued about a week after filing of the Fourth IDS. As a practical matter, it appears that the Fourth IDS had not yet reached the Examiner's desk when the pending Office Action was mailed. Of course, as a legal matter, an IDS is assumed to be on the desk of the responsible examiner as of the date that it is received by the PTO mailroom. In the present application, the Fourth Information Disclosure Statement cited only Dahlberg U.S. Patent No. 6,414,645, and it is noted that the Examiner has separately cited this same reference on the

Notice of References Cited which accompanied the Office Action (Form PTO-892). Nevertheless, for the purpose of completeness, Applicants respectfully request that the Examiner initial the Form PTO-1449 from the IDS filed on May 28, 2003, and then return a copy of it to Applicants with the Examiner's next communication.

Objection to Claims

The Office Action objected to each of Claims 14 and 24, identifying a location where "dielectric" should be changed to "conductive". The foregoing amendments implement this correction in each of Claims 14 and 24.

The Office Action also objected to a reference in plural form to "slot portions" in Claim 14, indicating that it should be corrected to have the singular form "slot portion". Applicants understand the basis for the Examiner's concern, but have made a slightly different modification in order to resolve this grammatical informality. Moreover, Applicants noted equivalent informalities at a later location in Claim 14, and at two separate locations in Claim 24. The foregoing amendments also correct each of these additional informalities.

The Office Action objected to Claim 21, indicating that the word "having" should be inserted after the word "section" in line 2. This ground of rejection is respectfully traversed. The indicated portion of Claim 21 recites the step of "creating . . . a recess". The proposed addition of the word "having" at the indicated location would cause the claim to include a recitation of the step of "creating . . . having a recess", which is grammatically incorrect. After careful review, Applicants respectfully submit that this portion of

Claim 21 is grammatically correct in its originally-filed form, and notice to that effect is respectfully requested.

Second Paragraph of 35 U.S.C. §112

The Office Action rejected each of Claims 2 and 18 under the second paragraph of 35 U.S.C. §112 for indefiniteness. In particular, the Office Action indicated that, in each of these claims, there is a recitation of "said conductive material" which lacks a proper antecedent basis. The foregoing amendments change the indicated limitation in each claim to "said conductive layer", so that it has a proper antecedent relationship with the previously-recited "conductive layer".

Allowable Subject Matter

Noted with appreciation is the indication in the Office Action that Claims 9-13, 15-16 22-23 and 25 have been allowed.

Also noted with appreciation is the indication that Claims 14, 21 and 24 are directed to allowable subject matter, and will be allowed when Applicants have cured the above-mentioned objection to these claims. For the reasons discussed above, and in light of the foregoing amendments, it is respectfully submitted that each of Claims 14, 21 and 24 is currently in proper form. Each is thus believed to be in proper condition for allowance, and notice to that effect is respectfully requested.

Also noted with appreciation is the indication that Claims 3-6 and 19-20 recite allowable subject matter, and would be allowed if rewritten in independent form. Claims 3-6 and Claims 19-20 respectively depend from independent Claim 1

and independent Claim 17. Claims 1 and 17 are believed to be allowable, for reasons discussed later. Accordingly, it is believed be unnecessary to separately place Claims 3-6 and 19-20 in independent form at this time.

Comment on Statement of Reasons for Allowance

Pages 4-5 of the Office Action set forth a statement by the Examiner of reasons for allowing the claims. Applicants agree that the claims recite allowable subject matter. However, Applicants do not agree in all respects with the statement of reasons for allowance. First, Applicants respectfully submit that the stated reasons for allowance should not be interpreted to mean that there are no other reasons which separately and independently support the allowability of the independent claims and/or the dependent claims. In addition, the statement of reasons attempts to paraphrase some of the claimed subject matter using terminology and/or language which differs in some respects from the specific terminology and language that was selected for use in Applicant's claims. Some of the stated reasons refer to language which is not even present in some of the allowable claims. Applicants believe that the scope and interpretation of the claims should be based on the terminology and language selected by Applicants for use in the claims, rather than language arbitrarily selected by the Examiner to attempt to paraphrase some of the claimed subject matter.

Independent Claim 1

Claim 1 recites a dielectric layer having a hole therethrough, and a conductive layer with a recess having a

balun portion, "said balun portion being aligned with said hole through said dielectric layer". Claim 1 stands rejected under 35 U.S.C. §103 as obvious in view of a combination of teachings from Dahlberg U.S. Patent No. 6,414,645 and Fleming U.S. Patent No. 6,538,614. This ground of rejection is respectfully traversed, for the following reasons.

The explanation of this rejection of Claim 1 appears in the last paragraph on page 3 of the Office Action. In lines 16-17 on page 3, the Office Action states that Dahlberg does not disclose a balun portion. Therefore, for the disclosure of a balun portion, the Office Action turns to the Fleming patent. In particular, at lines 17-21 on page 3, the Office Action indicates that Figure 1 of Fleming discloses a balun portion at 50, and then asserts that it would be obvious to incorporate this balun portion from Fleming into the apparatus of Dahlberg. Applicants respectfully disagree.

More specifically, with reference to Figure 1 of Fleming, it will be noted that the balun portion 50 is aligned with a part of the dielectric layer 20 which does not have any holes therethrough. Stated differently, the dielectric layer 20 has no hole which is aligned with the balun portion 50. In contrast, and as mentioned above, Claim 1 expressly calls for "said balun portion being aligned with said hole through said dielectric layer". The provisions of MPEP §2141.02 emphasize that a prior art reference must be considered in its entirety, including portions thereof that teach away from the claims. To the extent that Fleming's dielectric layer has a portion which is aligned with Fleming's balun portion 50 but which does not have any hole therethrough, it is respectfully submitted that the Fleming patent teaches away from the present invention. Therefore, even assuming that it would be

obvious to incorporate the balun portion of Fleming into the Dahlberg device, the resulting apparatus would not include a distinctive feature which is expressly recited in Applicants' Claim 1, namely a dielectric layer having a portion which is aligned with a balun portion and which has a hole therethrough.

Accordingly, it is respectfully submitted that the proposed combination of Dahlberg and Fleming results in a device which differs significantly from the subject matter recited in Claim 1. It is therefore respectfully submitted that Claim 1 would not be obvious under §103 in view of the combined teachings of Dahlberg and Fleming. Claim 1 is therefore believed to be allowable, and notice to that effect is respectfully requested.

Independent Claim 17

Claim 17 recites a dielectric layer having a hole, and an electrically conductive layer with a recess having a balun portion, "said balun portion being aligned with said hole through said dielectric layer". Claim 17 thus includes limitations similar to those discussed above in association with Claim 1. Claim 17 stands rejected under 35 U.S.C. §103 as obvious in view of a combination of teachings from Dahlberg and Fleming. The reason given in the Office Action for this §103 rejection of Claim 17 is identical to the reason given for the §103 rejection of Claim 1. Therefore, for reasons similar to those discussed above in association with Claim 1, it is respectfully submitted that the proposed combination of Dahlberg and Fleming does not render the subject matter of Claim 17 obvious under §103. Claim 17 is therefore believed

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to be allowable, and notice to that effect is respectfully requested.

Dependent Claims

Claims 2, 7-8 and 26-27 and Claims 18 and 28-29 respectively depend from Claim 1 and Claim 17, and are also believed to be allowable over the art of record, for example for the same reasons discussed above with respect to Claims 1 and 17.

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Conclusion

Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at (214) 953-6684.

Respectfully submitted,  
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Enclosures: Amendment Transmittal Form  
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